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6 Artifex Software, Inc.

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11  
12 ARTIFEX SOFTWARE INC., a California  
corporation,

13 Plaintiff,

14 v.

15 DIEBOLD INC., an Ohio corporation,  
16 PREMIER ELECTION SOLUTIONS, INC.,  
a Delaware corporation,

17 Defendants.  
18

Case No. C 08-04837 SC EMC

**STIPULATED DISMISSAL OF ALL  
CLAIMS WITH PREJUDICE AND  
[PROPOSED] ORDER**

**STIPULATION**

Plaintiff Artifex Software, Inc. ("Plaintiff") and Defendants Diebold Inc. and Premier Election Solutions, Inc. ("Defendants") hereby agree and stipulate as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff hereby dismisses with prejudice all claims asserted against Defendants.

2. Plaintiff and Defendants shall each bear their own attorneys' fees and costs incurred in connection with this action.

**SO STIPULATED.**

Dated: June 25, 2009

O'MELVENY & MYERS LLP

By: /s/ Luann L. Simmons

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ARTIFEX SOFTWARE, INC.

Dated: June 25, 2009

JONES DAY

By: /s/ Gregory L. Lippetz

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Attorneys for Defendants  
DIEBOLD, INC. and PREMIER ELECTION SOLUTIONS,  
INC.

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest  
2 under penalty of perjury that concurrence in the filing of the document has been obtained from  
3 Gregory L. Lippetz.

4 Dated: June 25, 2009

By: /s/ Luann L. Simmons  
Luann L. Simmons

Attorneys for Plaintiff  
ARTIFEX SOFTWARE, INC.

8 IT IS SO ORDERED

9 Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
The Honorable Samuel Conti  
United States District Court Judge

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